

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: April 22, 2010
Time: 9:30 a.m.

-----X

In re:

ADAM S CALDERON,

Chapter 13
CASE NO.: 8-10-71094-REG

Debtor(s)

NOTICE OF MOTION

-----X

SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 22nd day of April, 2010 at 9:30 a.m., at the United States Bankruptcy Court located at the Long Island Federal Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521, & 1307(c), dismissing this case, by reason of the debtor's failure to submit monthly pre-confirmation payments, failure to file and/or provide documents, failure to appear at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than five (5) days prior to the return date of this motion.

Dated: Melville, New York
April 2, 2010

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: Office of the United States Trustee
Adam S Calderon , Pro Se Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

tmm1634

In re:

ADAM S CALDERON ,

Chapter 13

CASE NO.: 8-10-71094-REG

Debtor(s)

APPLICATION

-----X

TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY
JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate,
respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on February 24, 2010 and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.

3. In addition, as of this date the debtor(s) has failed to file copies of pay statements from employer for sixty (60) day period preceding filing, within the fifteen (15) day period required under the Bankruptcy Code.

4. Furthermore, as of this date the debtor has failed to provide the Trustee with a written appraisal for property; copies of 2008 and 2009 State and Federal Tax Returns; all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.

5. Moreover, the debtor failed to appear at the initial §341 meeting of creditors, held on March 30, 2010 at 10:00 a.m.

6. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York
April 2, 2010

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

MARY E. FERRO, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On April 2, 2010, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

To: Office of the United States Trustee
 Long Island Federal Courthouse
 560 Federal Plaza
 Central Islip, NY 11722

Adam S Calderon, Pro Se Debtor
63 Carman Mill Road
Massapequa, NY 11758

/s/ **Mary E. Ferro**

MARY E. FERRO

Sworn to before me this
2nd day of April, 2010

/s/ **Janine M. Zarrilli**

NOTARY PUBLIC

Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2013